



**City of Scottsdale
Charter Review Task Force**

MARKED AGENDA

5:00 p.m., Monday, December 14, 2009
City Hall Kiva Forum, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251

Call to Order / Roll Call

MEETING WAS CALLED TO ORDER AT 5:01 P.M. WITH ALL MEMBERS PRESENT.

1. Approval of Minutes from the December 7, 2009 Meeting

CINDI EBERHARDT MOVED APPROVAL. CHARLIE SMITH SECONDED. PASSED 7-0.

2. Public Comment

RAY TORRES, ORANGE COALITION, AND STAN LUTZ, BRYAN CAVE LLP, SPOKE.

3. Discussion and possible action regarding recommendations to the City Council regarding possible amendments to the Scottsdale City Charter

- a. Article 7. Ordinances and Resolutions. Please note that Article 7, Sec. 14. Voter Approval for Certain Public Expenditures will be discussed on January 11, 2010.

CINDI EBERHARDT MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL AMENDMENTS TO ARTICLE 7, SEC. 2, SEC. 3 AND SEC. 5 AS SET FORTH ON THE SCREEN. CHARLIE SMITH SECONDED. MOTION PASSED 7-0.

"Sec. 2. Ayes and nays to be recorded.

The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal RECORD of the proceedings of the council."

"Sec. 3. When majority or LARGER THAN MAJORITY $\frac{2}{3}$ vote required.

A majority vote of all the members of the council shall be necessary to pass any ordinance ~~or resolution having the effect of an ordinance except that the adoption or re-adoption of, or a major amendment to the general plan shall be approved by affirmative votes of at least two-thirds of the members of the council. A "major amendment" to the general plan shall be as defined by state law,~~ RESOLUTION OR MOTION EXCEPT WHERE A LARGER THAN MAJORITY VOTE IS REQUIRED BY ORDINANCE, OR STATE OR FEDERAL LAW."

"Sec. 5. Reading or posting and passage of ordinances and resolutions; effective date.

All proposed ordinances ~~and resolutions having the effect of ordinances,~~ shall either be read in full or posted in a public place at least twenty-four (24) hours prior to their adoption, provided that if any amendments are proposed to a posted ordinance such amendments shall be read in full PRESENTED AND DISCUSSED DURING THE PUBLIC MEETING prior to their adoption.



Persons with a disability may request a reasonable accommodation by contacting the City Clerk's Office at (480) 312-2412. Requests should be made 24 hours in advance, or as early as possible, to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact the City Clerk's Office at (480) 312-2412.

~~A measure may be placed upon final passage at the same meeting as when introduced by unanimous consent of the council.~~

Measures, ORDINANCES OR ANY OTHER REFERABLE ACTIONS without the emergency clause shall take effect and become operative thirty (30) days after the date of their passage."

CHARLIE SMITH MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT SECTIONS 8, 9, 10, 12, AND 13 BE AMENDED AS PROPOSED. CINDI EBERHARDT SECONDED. MOTION PASSED 7-0.

"Sec. 8. Publication of ordinances and resolutions.

All ordinances and resolutions having the effect of ~~ordinances~~LAW, ~~except emergency measures,~~ shall be published, AS REQUIRED BY STATE LAW OR ORDINANCE, once within ~~ten (10)~~ FIFTEEN (15) days of their passage, ~~in the official newspaper of the city before they become effective and operative.~~

~~Emergency ordinances~~ MEASURES which have been passed by the necessary vote of five (5) members of the council shall be published one time in the official newspaper of the city within ~~ten (10)~~ days after their passage AS REQUIRED BY STATE LAW OR ORDINANCE."

"Sec. 9. How ordinances and resolutions are to be revised; reenacted and amended.

~~Ordinances, or resolutions having the effect of an ordinance,~~ shall not be revised, reenacted or amended by reference to title only, but the ordinance, ~~or resolution having the effect of an ordinance~~ to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this charter for the adoption of ordinances and resolutions."

"Sec. 10. How ordinances or resolutions are to be repealed or suspended.

No ordinance, or resolution ~~having the effect of an ordinance~~ or section thereof shall be repealed or suspended except by ordinance or resolution adopted in the manner provided in this charter."

"Sec. 12. Procedure for adoption by reference.

The council may enact the provisions of a code or public record BY REFERENCE IN AN ORDINANCE, AS PROVIDED BY STATE LAW, ~~theretofore in existence~~ without setting forth such provisions, but the adopting ordinance shall be published in full. ~~At least than three (3) copies~~COPY(S) of the code or public record shall be filed in the office of the city clerk and kept available for public use and inspection, AS PROVIDED BY STATE LAW. A code or public record enacted by reference may be amended in the same manner.

No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance."

"Sec. 13. Codification of ordinances.

Any or all ordinances of the city which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall MAY be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with

the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances but ~~not less than three~~ ONE (31) copiesY thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof.

Ordinances codified shall be repealed as of the effective date of the code
AMENDMENTS. Amendments to the code shall be enacted in the same manner as ordinances.”

b. Article 8. Contracts.

STAFF WILL PREPARE REVISED LANGUAGE FOR ARTICLE 8, SECTIONS 2 AND 5 FOR CONSIDERATION AT THE JANUARY 11, 2010 MEETING.

CHARLIE SMITH MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 8, SECTION 1 BE AMENDED AS PRESENTED. CINDI EBERHARDT SECONDED. MOTION PASSED 7-0.

“Sec. 1. Preparation.

All contracts shall be executed in the name of the City of Scottsdale by the mayor, except as it may be otherwise provided either by this charter, ~~or~~ by law, OR BY ORDINANCE OR RESOLUTION OF THE CITY COUNCIL. and CONTRACTS AUTHORIZED THROUGH COUNCIL ACTION must be countersigned by the city clerk who shall number and register the same in a book kept for that purpose.”

c. Article 12. Franchise and Public Utilities

ALAN KAUFMAN MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THE AMENDMENTS TO ARTICLE 12, SECTION 1 AS PRESENTED. CINDI EBERHARDT SECONDED. MOTION PASSED 7-0.

“Sec. 1. Franchises.

A person desiring to obtain a franchise to operate a public utility from this city shall present the franchise desired to the city council of the city and it shall be filed among its records.

If the council deems the granting of the franchise beneficial to the city, it shall pass a resolution, ~~to be spread upon its record~~ stating that fact, and shall submit the question to the qualified voters, as to whether or not the franchise shall be granted, at the following regular election held in the city or at a special election called for that purpose.

~~The proposed franchise shall be published in full in the official newspaper of the city once a week for four (4) consecutive weeks prior to the election, or as otherwise provided by law, and the cost of same, together with the election expenses shall be paid by the applicant for such franchise~~ THE PROPOSED FRANCHISE SHALL BE PUBLISHED PRIOR TO THE ELECTION IN ACCORDANCE WITH STATE LAW.

If a majority of the votes cast are in favor of granting the franchise, the council shall grant the franchise only in the form filed and published.

A franchise shall not be granted for a longer term than twenty-five (25) years.

Before calling any such election, the estimated expense of publication and election thereof (to be determined by the council) shall be first deposited by the applicant for such franchise with the city clerk.”

STAN LUTZ, BRYAN CAVE LLP, RESPONDED TO QUESTIONS FROM THE TASK FORCE ABOUT THE ORANGE COALITION PROPOSED AMENDMENTS TO ARTICLE 12, SEC. 2.

d. Article 13. General Provisions

CINDI EBERHARDT MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 13, SECTION 1 BE AMENDED AS PROPOSED. ALAN KAUFMAN SECONDED. MOTION PASSED 7-0.

“Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the city shall be open for inspection by any citizen, any representative of a citizen’s organization or any representative of the press at all reasonable times and under reasonable regulations established by the city council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish PURSUANT TO ALL APPLICABLE LAWS.”

e. Article 14. Succession in Government

NO CHANGES

f. Article 15. Gender

STAFF WAS ASKED TO REPORT BACK AT THE NEXT MEETING WHETHER THE ENTIRE CHARTER COULD BE MADE GENDER-NEUTRAL IN ONE BALLOT QUESTION.

g. Article 16. Amendments

NO CHANGES

4. Review, discuss, and possibly amend draft agenda for January 11, 2010 meeting

TOPICS AT THE NEXT MEETING WILL INCLUDE DISCUSSION OF PROPOSED NEW SECTION 14 IN ARTICLE 7 RELATING TO VOTER APPROVAL FOR CERTAIN PUBLIC EXPENDITURES. CONTINUED DISCUSSION ON CHANGES PROPOSED BY THE ORANGE COALITION TO ARTICLE 12, SECTION 2 WILL BE SECOND ON THE AGENDA, FOLLOWED BY A DISCUSSION OF GENDER-NEUTRAL LANGUAGE, AND THEN A REVIEW OF ALL CHANGES PROPOSED TO DATE BY THE TASK FORCE TO SEE IF ANY CHANGES OR ADJUSTMENTS ARE NEEDED.

CHARLIE SMITH ASKED FOR STAFF TO BRING BACK INFORMATION AT THE NEXT MEETING REGARDING ANY STATUTORY REQUIREMENTS THAT THE CITY WOULD HAVE TO GO THROUGH PRIOR TO EXERCISING EMINENT DOMAIN FOR THE ACQUISITION OF A WATER COMPANY.

Adjournment - MEETING ADJOURNED AT 7:15 P.M.